

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE MAY 3, 2005

AMENDED IN SENATE APRIL 21, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 369

Introduced by Senator Simitian

February 17, 2005

~~An act to add Part 3.7 (commencing with Section 71175) to Division 34 of the Public Resources Code, relating to ecological labeling.~~ *An act to amend Sections 42872.5 and 42885.5 of the Public Resources Code, relating to solid waste.*

LEGISLATIVE COUNSEL'S DIGEST

SB 369, as amended, Simitian. ~~Ecological labeling.~~ *Solid waste: tire recycling.*

(1) Existing law authorizes the California Integrated Waste Management Board to implement a program to award grants to cities, counties, districts, and other local governmental agencies for the funding of public works projects that use rubberized asphalt concrete. The grants are funded by an appropriation in the annual Budget Act from the California Tire Recycling Management Fund. Existing law becomes inoperative on June 30, 2006, and is repealed on January 1, 2007.

This bill would delete the repeal and would recommence the grant program indefinitely on January 1, 2007.

(2) Existing law requires the Integrated Waste Management Board to submit a 5-year plan to the appropriate policy and fiscal committees of the Legislature that includes, until June 30, 2006, a

description of the effectiveness of the grant program to encourage the use of rubberized asphalt concrete technology in public works projects.

This bill would instead require the board to include the description of the effectiveness of the grant program to encourage the use of rubberized asphalt concrete technology in public works projects in the 5-year plan indefinitely.

~~Existing law provides labeling requirements for various products, including, but not limited to, prohibiting a person from selling a plastic bag that is labeled as “biodegradable,” “compostable,” “degradable,” or as otherwise specified, unless, at the time of the sale, the plastic bag meets a current ASTM standard specification for the term used on the label.~~

~~This bill would require the California Environmental Protection Agency to enter into a contract, using a competitive bid process, with a vendor that meets specified standards, to award the Green Bear Eco-Label to a product or service that meets criteria to be developed and adopted by the vendor. The bill would set minimum standards, as specified, that a product must meet in order to be awarded with a label.~~

~~The bill would require the vendor to adopt criteria based on a life cycle approach for awarding a label to a product or service and would specify a procedure for adopting and revising the criteria.~~

~~The bill would allow a producer or distributor to present a proposal or application to the vendor for an award of a label to a product or service. The bill would require the proposal or application to contain data produced by an independent certified laboratory that are reliable and capable of replication by a 3rd party demonstrating that the product or service meets or exceeds the adopted criteria. The bill would require the vendor to inspect the proposer’s or applicant’s facility and to submit the proposal or application to a peer review process. The bill would require the vendor to award a label to a product or service, if the vendor determines the product or service meets or exceeds the criteria adopted by the vendor. The bill would require the vendor to make available to the public the award criteria, assumptions, methods, and data used to evaluate the product that was awarded a label. The bill would require the vendor to conduct an outreach program to educate the consumers by providing information on the environmental benefits and impacts of a product awarded with a label.~~

~~The bill would authorize the vendor to charge a fee to a producer or distributor who presents a proposal or application to the vendor for an award of a label to a product or service. The bill would require the agency, in consultation with the vendor, to set the fee, as specified, with an additional 3% surcharge to cover the administrative costs of the agency. The bill would prohibit setting the fee at a level that would be cost-prohibitive for a small or a medium size business applying for a label.~~

~~The bill would authorize the vendor to expend the fee to implement the contract.~~

~~The bill would require the vendor to forward the surcharge to the agency, for deposit in the Eco-Label Fund, which the bill would create in the State Treasury. The bill would authorize the agency to expend the revenues in the Eco-Label Fund, upon appropriation by the Legislature, for the agency’s costs in implementing the act.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 42872.5 of the Public Resources Code is*
2 *amended to read:*

3 42872.5. (a) In addition to the purposes listed in Section
4 42872, the tire recycling program may include the awarding of
5 grants to cities, counties, districts, and other local governmental
6 agencies for the funding of public works projects that use
7 rubberized asphalt concrete. In addition to the factors listed in
8 Sections 42874 and 42875, a grant for a public works project that
9 uses rubberized asphalt concrete shall be awarded subject to all
10 of the following:

11 (1) A grant shall be limited to a project that is both projected
12 to generate between 2,500 and 20,000 tons of rubberized asphalt
13 concrete during the life of the project and that uses 20 pounds or
14 more of crumb rubber per ton of rubberized asphalt concrete.

15 (2) The amount of a grant that qualifies under paragraph (1)
16 shall be equal to two dollars and fifty cents (\$2.50) for each ton
17 of rubberized asphalt concrete projected to be generated by the
18 project.

19 (3) The total amount of a grant that qualifies under paragraph
20 (1) shall be six thousand two hundred fifty dollars (\$6,250) or

1 more, but not more than fifty thousand dollars (\$50,000), as
2 determined pursuant to paragraph (2).

3 (b) Grants made under this section shall be funded by an
4 appropriation in the annual Budget Act from the California Tire
5 Recycling Management Fund established pursuant to Section
6 42885. To the extent possible, depending on the number of
7 qualified applications and whether there is a sufficient supply of
8 crumb rubber, funds allocated pursuant to this section shall be
9 equal to 16 percent of the funds budgeted pursuant to this chapter
10 for market development and new technology activities for used
11 tires and waste tires.

12 (c) In order to provide outreach to local agencies regarding the
13 use of rubberized asphalt concrete in public works projects, all of
14 the following shall occur:

15 (1) The board, in cooperation with its Rubberized Asphalt
16 Concrete Technology Centers, shall create, annually update, and
17 post on each center's Internet Web site a data base of public
18 works projects that include rubberized asphalt concrete that were
19 completed by local agencies.

20 (2) The Department of Transportation shall post on its public
21 Internet Web site data and descriptions regarding state public
22 works projects using rubberized asphalt concrete.

23 (3) The board shall post on its public Internet Web site a link
24 to connect to the data base created under paragraph (1) and the
25 data and descriptions provided under paragraph (2).

26 ~~(d) This section shall become inoperative on June 30, 2006,~~
27 ~~and, as of January 1, 2007, is repealed, unless a later enacted~~
28 ~~statute that is enacted before January 1, 2007, deletes or extends~~
29 ~~the dates on which it becomes inoperative and is repealed.~~

30 *SEC. 2. Section 42885.5 of the Public Resources Code is*
31 *amended to read:*

32 42885.5. (a) The board shall adopt a five-year plan, which
33 shall be updated every two years, to establish goals and priorities
34 for the waste tire program and each program element.

35 (b) On or before July 1, 2001, and every two years thereafter,
36 the board shall submit the adopted five-year plan to the
37 appropriate policy and fiscal committees of the Legislature. The
38 board shall include, in the plan, programmatic and fiscal issues
39 including, but not limited to, the hierarchy used by the board to
40 maximize productive uses of waste and used tires and the

1 performance objectives and measurement criteria used by the
2 board to evaluate the success of its waste and used tire recycling
3 program. Additionally, the plan shall describe each program
4 element's effectiveness, based upon performance measures
5 developed by the board, including, but not limited to, the
6 following:

7 (1) Enforcement and regulations relating to the storage of
8 waste and used tires.

9 (2) Cleanup, abatement, or other remedial action related to
10 waste tire stockpiles throughout the state.

11 (3) Research directed at promoting and developing alternatives
12 to the landfill disposal of waste tires.

13 (4) Market development and new technology activities for
14 used tires and waste tires.

15 (5) The waste and used tire hauler program and manifest
16 system.

17 (6) A description of the grants, loans, contracts, and other
18 expenditures proposed to be made by the board under the tire
19 recycling program.

20 (7) ~~Until June 30, 2006, the~~ *The* grant program authorized
21 under Section 42872.5 to encourage the use of rubberized asphalt
22 concrete technology in public works projects.

23 (8) Border region activities, conducted in coordination with
24 the California Environmental Protection Agency, including, but
25 not limited to, all of the following:

26 (A) Training programs to assist Mexican waste and used tire
27 haulers to meet the requirements for hauling those tires in
28 California.

29 (B) Environmental education training.

30 (C) Development of a waste tire abatement plan, with the
31 appropriate government entities of California and Mexico.

32 (D) Tracking both the legal and illegal waste and used tire
33 flow across the border and recommended revisions to the waste
34 tire policies of California and Mexico.

35 (E) Coordination with businesses operating in the border
36 region and with Mexico, with regard to applying the same
37 environmental and control requirements throughout the border
38 region.

39 (c) The board shall base the budget for the California Tire
40 Recycling Act and program funding on the plan.

1 (d) The plan may not propose financial or other support that
2 promotes, or provides for research for the incineration of tires.

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**All matter omitted in this version of the bill
appears in the bill as amended in Senate,
May 3, 2005. (JR11)**

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